

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JUNE 11, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE - RENOTIFICATION - ZON-33765 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: BASHIR AFZALI - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue (APN 139-28-604-004), Ward 5 (Barlow)

C.C.: 07/15/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

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RECOMMENDATION:

APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda – Protest Postcard

Motion made by BYRON GOYNES to Hold in abeyance Items 9, 11, 13 and 15 to 6/25/2009

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

MICHAEL E. BUCKLEY, VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, RICHARD TRUESDELL, BYRON GOYNES, KEEN ELLSWORTH; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 9, 11, 13 and 15.

STEVE GEBEKE, Planning and Development, stated that the applicant is proposing to rezone an undeveloped residential lot for commercial use. Although the rezoning is compatible with the surrounding zoning, staff recommended denial of the requested variances and site plan as the proposed development does not meet the minimum requirements for front yard setbacks or the

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Residential Adjacency Standards for proximity slope, and trash enclosure distance separation. MR. GEBEKE remarked that the proposed development is deficient in meeting the parking and landscaping requirements. The applicant did not provide evidence of extraordinary circumstances and has created a self-imposed hardship by overbuilding the site.

DON RODRIGUEZ, Empire Land and Development, appeared on behalf of the applicant and indicated the site was redesigned to modernize the architecture as suggested by the residents of Bonanza Village. He showed a new site plan depicting a two-story structure relocated closer to Martin Luther King Boulevard with a 15-foot landscape buffer.

Although MR. RODRIGUEZ acknowledged the required 84-foot setback, the property has a 73-foot setback. He stated that the only issue is a parapet wall designed to mask rooftop equipment which intrudes into the proximity slope by two feet. He has met with the property owner to the east and pushed the second floor further to the west making it possible for a 73-foot setback from residential properties and a full 84 feet for the second floor. He received support of the Bonanza Village residents but did not have a letter from the homeowners association.

FREDDY JACKSON appeared in opposition of the two-story building. His home is the only residential property and is surrounded by commercial. The proposed building will obstruct his view and is undesirable at this location. He expressed concern about the lack of parking as customers will park in front of his home. He does not believe that Bonanza Village residents support the request.

MR. RODRIGUEZ replied that he met with MR. JACKSON and is aware that people park in front of his property, but that is a result of the businesses located south of the subject property being under-parked. MR. RODRIGUEZ acknowledged that the proposed development is also under-parked, but he indicated that COUNCILMAN BARLOW had requested a drive aisle connecting the parking lot to the south to the proposed development's parking lot. In order to accommodate that request, three parking spaces had to be removed. He opined that the project will not add to the parking problem. He clarified that the trash enclosure was relocated 52.92 feet from the property line. MR. RANKIN pointed out that staff had not seen or reviewed the revised plan.

MR. RODRIGUEZ verified for CHAIR TROWBRIDGE that the two-story structure will have retail and office. They do not intend to locate any liquor establishments. The development will be similar to the one to the north.

COMMISSIONER TRUESDELL questioned where customers would park if the adjacent businesses are already under-parked, and how the trash collection trucks would get to the business. The Commissioner felt the site is overbuilt.

COMMISSIONER EVANS verified that the prospective tenant will sell fabricated rugs and that the trash enclosure will be approximately 67 feet away from MR. JACKSON'S property.

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COMMISSIONER GOYNES expressed concern about the parking located in the rear adjacent to MR. JACKSON'S property. MR. RODRIGUEZ replied that the parking lot will have lighting as required by Code. The Commissioner felt that the two-story building will tower over MR. JACKSON'S property, and the parking will spill over onto MR. JACKSON'S street. MR. RODRIGUEZ stated that the interior windows facing MR. JACKSON'S property will be blocked out. COMMISSIONER GOYNES stated he could not support the project as the site is overbuilt.

COMMISSIONER EVANS agreed with COMMISSIONER GOYNES' comments that the adjacent residents have to be protected.

MR. RODRIGUEZ stated that the plan was changed to accommodate MR. JACKSON'S requests. COMMISSIONER GOYNES indicated that the Commissioners cannot consider those changes because they were not submitted to staff. He suggested the applicant reduce the size of the building and provide the required parking and stated that the Commissioners have to make land use decisions and determine whether the building will affect the quality of life for the surrounding residents. MR. RODRIGUEZ remarked that the applicant has a long-term investment in the property.

COMMISSIONER ELLSWORTH expressed concern with voting on a plan that was not submitted to staff for review. He suggested MR. RODRIGUEZ find a way to make the project fit and provide adequate parking.

CHAIR TROWBRIDGE stated that the changes made might not comply with the required notifications.

MARGO WHEELER, Director of Planning and Development, explained that if the new plan is within what was noticed, it may be possible to bring the items back at the next meeting; however, if that is not the case, the applicant would have to start again. MR. RODRIGUEZ stated two weeks would be sufficient as only the location of the trash enclosure was modified.

DEPUTY CITY ATTORNEY JAMES LEWIS advised that the plan should be reviewed and the Commission could vote accordingly. MS. WHEELER stated that two weeks may be sufficient but it would depend on staff's analysis. COMMISSIONER GOYNES asked that within the two weeks, MR. RODRIGUEZ obtain a support letter from the Bonanza Village Homeowners Association, as well documentation of his meeting with MR. JACKSON.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 9, 11, 13 and 15.